

AO 242 (Rev. 09/17) Petition for a Writ of Habeas Corpus Under 28 U.S.C. § 2241

UNITED STATES DISTRICT COURT

for the

CORY REID

Petitioner

v.

WARDEN, MATTHEWS

Respondent

(name of warden or authorized person having custody of petitioner)

2018 JUN 19 11:11
18 CV 5551

Case No.

(Supplied by Clerk of Court)

PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241

Personal Information

1. (a) Your full name: Cory James Reid
(b) Other names you have used: _____
2. Place of confinement:
(a) Name of institution: Brooklyn Detention Complex
(b) Address: 275 Atlantic Avenue, Brooklyn, New York, 11201
(c) Your identification number: 349-17-09514
3. Are you currently being held on orders by:
☐ Federal authorities ☒ State authorities ☐ Other - explain: _____
4. Are you currently:
☒ A pretrial detainee (waiting for trial on criminal charges)
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime
If you are currently serving a sentence, provide:
(a) Name and location of court that sentenced you: _____
(b) Docket number of criminal case: _____
(c) Date of sentencing: _____
☐ Being held on an immigration charge
☐ Other (explain): _____

Decision or Action You Are Challenging

5. What are you challenging in this petition:
☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)

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- ☒ Pretrial detention
☐ Immigration detention
☐ Detainer
☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)
☐ Disciplinary proceedings
☐ Other (explain): _____

6. Provide more information about the decision or action you are challenging:

- (a) Name and location of the agency or court: 100 Centre Street, NEW YORK, NEW YORK, 10013 - Supreme Court Part 71
 (b) Docket number, case number, or opinion number: 04445-2017
 (c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):
Trial Judge's partiality, not keeping the balance nice, clear and true between petitioner and state. Appellate Courts taking adverse side in every petition.
 (d) Date of the decision or action: On-going, Feb 22-2018, June 5-2018, May-15-2018

Your Earlier Challenges of the Decision or Action7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☒ Yes ☐ No

(a) If "Yes," provide:

- (1) Name of the authority, agency, or court: Appellate Courts for first and second departments
 (2) Date of filing: 11-29-2017, 3-28-2018,
 (3) Docket number, case number, or opinion number:
 (4) Result: Denials of all petitions.
 (5) Date of result: Feb 22 2018, June 5, 2018, May-15-2018, on-going.
 (6) Issues raised: Subject matter jurisdiction, CPL 170.20, 180.50, 170.70, 180.80, 100.15, 100.40, 170.65, Right to know name and cause of accusation, Right Not to be tried twice, Right to privacy. Right to grand jury indictment. Right to have the trial judge answer your motion and not make up a motion to answer because yours is dealing with jurisdiction of the court.
 (b) If you answered "No," explain why you did not appeal: _____

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

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(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a second appeal: _____

9. Third appeal

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: _____

(2) Date of filing: _____

(3) Docket number, case number, or opinion number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

(b) If you answered "No," explain why you did not file a third appeal: _____

10. Motion under 28 U.S.C. § 2255

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes☐ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes☐ No

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If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Case number: _____

(3) Date of filing: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence: _____

11. Appeals of immigration proceedings

Does this case concern immigration proceedings?

☐ Yes☐ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: _____

- (b) Date of the removal or reinstatement order: _____

- (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes☐ No

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If "Yes," provide:

(1) Date of filing: _____

(2) Case number: _____

(3) Result: _____

(4) Date of result: _____

(5) Issues raised: _____

(d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes☐ No

If "Yes," provide:

(1) Name of court: _____

(2) Date of filing: _____

(3) Case number: _____

(4) Result: _____

(5) Date of result: _____

(6) Issues raised: _____

12. Other appeals

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☐ No

If "Yes," provide:

(a) Kind of petition, motion, or application: _____

(b) Name of the authority, agency, or court: _____

(c) Date of filing: _____

(d) Docket number, case number, or opinion number: _____

(e) Result: _____

(f) Date of result: _____

(g) Issues raised: _____

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Grounds for Your Challenge in This Petition

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground. Any legal arguments must be submitted in a separate memorandum.

GROUND ONE: The petitioner filed with the trial court a motion to dismiss due to the trial court not having jurisdiction because the indictment is defective in its use and the trial judge made up her own motion to deny.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I can support ground one with the pre-trial motion and the decision and order from the court. The petitioner is his own criminal defense attorney. The trial judge is seeking to pay the petitioner back from the latter two cases: 3709/2013 and 3739/2015.

(b) Did you present Ground One in all appeals that were available to you?

☒ Yes

☐ No

GROUND TWO: The petitioner filed an article 78 with the first department challenging ground one and it was denied June 5-2018.

(a) Supporting facts (Be brief. Do not cite cases or law.):

The court knows that the petitioner has a clear legal right to have the trial judge answer his motion. Not make up a motion to answer.

(b) Did you present Ground Two in all appeals that were available to you?

☒ Yes

☐ No

GROUND THREE: The petitioner submitted to the appellate court 11-29-2017 a meritorious habeas corpus and it was unlawfully denied in Feb 22 2018 and the respondent did not even contest the facts of writ.

(a) Supporting facts (Be brief. Do not cite cases or law.):

When a person is being detained in violation of laws he should be discharged.

(b) Did you present Ground Three in all appeals that were available to you?

☒ Yes

☐ No

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GROUND FOUR:

Deputy Clerk of the Appellate Division keeps on unfiled my article 78's saying that I must file them in a Lower court because the trial judge is telling her to do that.

(a) Supporting facts (Be brief. Do not cite cases or law.):

I wrote the clerk Margaret Savary telling her she did that in an affidavit dated May-8-2018 and she never replied. The appellate courts and Trial judge is not hearing the petitioner. He is being denied everything from both.

(b) Did you present Ground Four in all appeals that were available to you?

☐ Yes☒ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not:

I DID NOT present ground four to the judges of the appellate court.

Request for Relief

15. State exactly what you want the court to do: I want the court to discharge the petitioner from custody.

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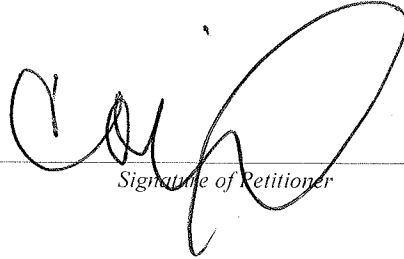
Declaration Under Penalty Of Perjury

If you are incarcerated, on what date did you place this petition in the prison mail system:

6-12-2018

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date: 6-12-2018

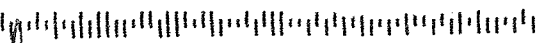


Signature of Petitioner

Signature of Attorney or other authorized person, if any

§ 1914. District court; filing and miscellaneous fees; rules of court

- (a) The clerk of each district court shall require the parties instituting any civil action, suit or proceeding in such court, whether by original process, removal or otherwise, to pay a filing fee of \$350 except that on application for a writ of habeas corpus the filing fee shall be \$5.
- (b) The clerk shall collect from the parties such additional fees only as are prescribed by the Judicial Conference of the United States.
- (c) Each district court by rule or standing order may require advance payment of fees.



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